

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-22 are pending in this case. Claims 1, 2, 4, 5, 7, 8, 11, 14, 15, and 20-22 are amended by the present amendment. The changes to Claims 1, 2, 4, 5, 7, 8, 11, 14, 15, and 20-22 correct matters of form and are also supported in the originally filed disclosure at least at Figures 2, 3, and 17 and at paragraphs [0155], [0158], and [0162]. Thus, no new matter is added.

In the outstanding Office Action, Claims 2, 4, 7, 11, 20, and 21 were objected to; Claim 9 was rejected under 35 U.S.C. § 112, second paragraph; Claims 1-4, 9-17, and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Asano, et al. (EP 1185020 A1, herein "Asano1") in view of Oishi, et al. (EP 1039462 A2, herein "Oishi"); Claims 5, 6, 18, and 19 were rejected under Asano1 in view of Asano, et al. (U.S. Pub. No. 2002/0085722, herein "Asano2"), further in view of Oishi; and Claims 7, 8, 20, and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Asano2 in view of Asano1.

With regard to the Information Disclosure Statement filed on December 10, 2004, Applicants again respectfully submit that the International Search Report citing the documents that were filed was also submitted on December 10, 2004 and satisfies the requirement for a concise explanation of relevance under MPEP § 609.04(a)(III). A copy of the International Search Report was included with the originally filed papers of the present application and with the previous response as a courtesy. Accordingly, Applicants respectfully request that the documents cited in the Information Disclosure Statement filed on December 10, 2004 be considered.

Claims 2, 4, 7, 11, 20, and 21 are amended to address the informalities listed at pages 4 and 5 of the outstanding Office Action. Thus, Applicants respectfully request that the objection to Claims 2, 4, 7, 11, 20, and 21 be withdrawn.

With regard to the rejection of Claim 9 under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that the recitation of “generating...outside the information-recording medium” is supported by the originally filed disclosure at least at paragraph [0163] of the published Specification which describes, in a non-limiting embodiment, content recording including generating two seeds and two block keys to encrypt content and recording the encrypted content onto the information-recording medium. Because there is no content on the information-recording medium until the seed and key generation generates the encrypted content for recording onto the information-recording medium, the seeds and keys are generated outside the information-recording medium. Thus, Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicants now respectfully traverse the rejections under 35 U.S.C. § 103(a).

Amended Claim 1 is directed to an information-processing apparatus and includes:

first generating means for generating a first block key Kb1 on the basis of a first seed serving as key generation information set for the encryption-processing unit;
acquiring means for **acquiring a second seed by decrypting an encrypted second seed read out from said information-recording medium** on the basis of said generated first block key Kb1;
second generating means for generating a second block key Kb2 by encrypting based on said acquired second seed; and
decrypting means for decrypting said encrypted data read out from said information-recording medium based on said generated second block key Kb2.

The outstanding Office Action concedes, at page 13, that Asano1 does not teach “acquiring a second seed” or “generating a second block key Kb2,” as defined by Claim 1, but asserts Oishi as teaching those features.

Specifically, the outstanding Office Action asserts, at page 7, that the decrypted session encrypted content key of Oishi teaches the second seed, as defined by Claim 1, and that the storage encrypted content key of Oishi teaches the second block key, as defined by Claim 1.

With regard to arguments in the previous response, the outstanding Office Action asserts that, because Claim 1 recited the information-processing apparatus including the information-recording medium, the acquiring means and second generating means, as defined by Claim 1, are taught by key generation in Oishi's storage device.

However, amended Claim 1 clarifies an “acquiring means for **acquiring a second seed by decrypting an encrypted second seed read out from said information-recording medium** on the basis of said generated first block key Kb1.” In Oishi, as described at paragraph [0009], the session encrypted content key is generated in the data processing apparatus and transmitted to the storage device where it is decrypted and storage encrypted. Thus, Oishi does not teach or suggest an information-processing apparatus decrypting “an encrypted second seed read out from said information-recording medium” but, rather, a storage device receiving and decrypting a session encrypted content key from a data processing apparatus.

Further, even if, *arguendo*, Oishi taught the elements of Claim 1 that it is asserted to teach, which it does not, the asserted combination of Asano1 and Oishi must be proper in order to establish a *prima facie* case of obviousness.

When a combination of references is asserted as teaching every element of a claim, both the asserted modification, or how the references are combined, as well as the asserted motivation for the combination, or why one of ordinary skill in the art would combine the references, must be specified in the rejection. MPEP § 706.02(V) sets out the requirement for asserting the modification. As to the asserted motivation, the Court recently reiterated the

requirement of MPEP § 2143.01 by stating that a “patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art.” KSR Int. Co. v. Teleflex Inc., 82 USPQ2d 1385, 1389 (2007). The Court stated the importance of identifying “a reason that would have prompted a person of ordinary skill in the art to combine the elements as the new invention does.” *Id.*

Further, under MPEP § 2143.01(V) the proposed modification cannot render the prior art unsatisfactory for its intended purpose, and, under MPEP § 2143.01(VI), the proposed modification cannot change the principle of operation of the prior art.

In this case, the outstanding Office Action, at pages 7 and 8, asserts a modification of “the system and method of Asano₁ with the system and method of Oishi.” While the specific proposed modification of Asano₁ with Oishi is not clear from that statement, Applicants respectfully submit that any modification of Asano₁ with Oishi would derogate MPEP § 2143.01 and is, therefore, improper. Asano₁ is directed to unique keys for each block of data on a recording medium. As described at paragraph [0017] of Asano₁, a key is generated based on an arrival time stamp (ATS) for a packet of data, thereby generating “a block key for each block **without having to provide, in a recording medium, an additional area for storage of an encryption key** for each block.” On the other hand, Oishi is directed to content specific keys that require not only storage area but also processing in the storage device to decrypt a session encoded content key, change the content key based on any changes to content, and generate a storage encrypted content key. Thus, modifying Asano₁ with Oishi to include decryption and encryption in the recording medium not only fails to teach or suggest all the elements of amended Claim 1 but also does not establish a proper combination for a *prima facie* rejection under 35 U.S.C. § 103.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2-3, which depend therefrom, be withdrawn.

Claims 9, 14, and 22, though differing in scope and statutory class from Claim 1, patentably define over the combination of Asano1 and Oishi for similar reasons as Claim 1. Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 9, Claims 10-13, which depend therefrom, Claim 14, Claims 15-17, which depend therefrom, and Claim 22 be withdrawn.

Amended Claims 5 and 18, though differing in scope and statutory class from Claim 1, patentably define over Asano1 and Oishi for similar reasons discussed with regard to Claim 1. Further, at page 16, the outstanding Office Action concedes that Asano2, like Asano1, fails to teach a processing unit configured to acquire a second seed as defined by Claims 5 and 18. Thus, because the combination of Asano1, Asano2, and Oishi fails to teach or suggest at least the above-discussed features of Claims 5 and 18, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claim 5, Claim 6, which depends therefrom, Claim 18, and Claim 19, which depends therefrom, be withdrawn.

With regard to independent Claims 7, 8, 20, and 21, the outstanding Office Action asserts that Asano2 teaches “carrying out an authentication process...to generate a session key Ks.” However, while Asano2 states that mutual authentication with another device is performed, for example, at paragraph [0444], Asano2 is silent with regard to “carrying out an authentication process...to generate a session key Ks,” as recited in Claims 7, 8, 20, and 21. The cited portions of Asano2 pertain to copy control, but do not teach or suggest the above-quoted features of Claims 7, 8, 20, and 21. Further, Asano1 does not cure the deficiencies of Asano2 in this regard and is not asserted for the features that are deficient in Asano2.

In the Response to Arguments, at page 4, the outstanding Office Action asserts that “Asano2 discloses that B received encrypted data from A and authenticates A (i.e. authentication process) and then B generates a session key (0449, lines 1-2, 10-11; 0450, lines 1-3).” However, Applicants respectfully submit that neither paragraphs [0449], [0450],

nor any other portions of Asano2 describe B receiving data from A or any reference to a session key.

Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) of Claims 7, 8, 20, and 21 be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Usha Munukutla-Parker
Registration No. 61,939

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

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